



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,941	09/21/2000	Sung Bae Jun	P-124	8915

34610 7590 08/28/2003

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER

SLOAN, NATHAN A

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 08/28/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten mark

Office Action Summary	Application No. 09/665,941	Applicant(s) JUN ET AL.	
	Examiner Nathan A Sloan	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on 9/22/1999. It is noted, however, that applicant has not filed a certified copy of the 41192/1999 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the memory and specifically non-volatile memory/smart card of claims 5, 6, 12, and 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 3 and 10 are objected to because of the following informalities: unclear scope as a result of poor sentence structure. Specifically, the phrase "corresponding to the user preference

~~Art Unit: 2614~~

to combinations of the user preference item identifiers” is unclear. Examiner will treat this limitation as reading “corresponding to the combinations of the user preference item identifiers” for the purposes of this Office Action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Regarding claims 6 and 13, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (5,758,259).

Lawler teaches a system and method for recommending programs to viewers based on a plurality of ranked criteria.

With respect to claims 1, 7, and 8, the claimed “multiple item user preference information data structure for multi-media information provided from an information provider” is met generating preferences related to a plurality of attributes of multi-media data as taught in columns 6-9. Specifically, “single item user preference information” is created by tracking user preferences to an item such as an actor, a genre of programming, a specific team, etc as seen in tables 1A-1D (col. 6-7). The single items are combined into “multiple items user preference information,” to form a user profile as seen in Table 2 (col. 7-8). This profile is then used to “search the multi-media information according to the user preference information” as taught in column 8:63+ through column 9:18. Users are then provided with the multimedia as identified by the search.

With respect to claims 2 and 9, the claimed “user preference identifier which denotes the item to describe the user’s preference” is met by the Value column of table 2 (col. 8), which shows an identifier such as the name of an actor. The claimed “item preference level indicating the degree of” corresponding user preference is met by the count column indicating the preference of a given value.

With respect to claims 3 and 10, the claimed multiple item identifier being “a combination of single user preference items” is met by forming the favorites profile with categories containing a plurality of single preferences. This is seen in Table 2 with a plurality of actors making up a name, and further with a plurality of criterion making up the profile. The claimed “item preference level indicating the degree of user preference corresponding to the user

Art Unit: 2614

preference combinations” is met as noted above and taught in column 8:63+ through column 9:18. Items are searched for a plurality of user preferences and counts are summed to generated a highest correlation to a preferred program based on individual values, claimed “user preference item identifiers.”

With respect to claim 4, the claimed preference level “divided into a plurality of levels between levels preferred by a user and levels not preferred by a user” is met by the counts of Table 2. These counts range over a plurality of “levels” or numerical values, with higher values indicating a “level preferred by a user” and lower values indicating “levels not preferred by a user.”

With respect to claim 11, the claimed assigning a “weight value” and searching depending on priority according to weight value is met as noted above by assigning count values and searching for a highest probability as taught in columns 8 through column 9, line 18.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 6, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (5,758,259).

With respect to claims 5, 6, 12, and 13, the claimed single and multiple user preference information being “stored in non-volatile memory of a system installed for an information provider and/or an information user,” with the memory being a smart card is not taught by Lawler. Lawler teaches the use of memory but not that it is “non-volatile” or a smart card. Examiner takes Official Notice that non-volatile smart cards are a well known form of memory. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Lawler by using a non-volatile smart card in order to maintain preference history even when the system is turned off and maintain portability.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ali (2002/0199194) teaches an intelligent system and method for recommending media content based on user preferences.

Herz et al. (5,754,939) teaches a system for generation of user profiles it identify desirable objects.

Hendricks et al. (5,798,785) teach a terminal for suggesting programs using various weighing techniques.


Art Unit: 2614

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703)305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9409 for regular communications and (703)746-9409 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

NAS
August 15, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600